

CSC 1PM MEETING W/ LEGAL 08/01/17

~~BOWMER~~ ✓

Jerry Williams ✓

Angeline Johnson

Fred Meyer - Fred George

~~Ivan Corin~~

Wayne Rasmussen WAYNE RASMUSSEN

~~Artor Kios #1~~

Ismael David Gonzalez - Ismael D. Gonzalez

Carmen Magano

Wall A Wallace Nelson

~~Jean Fran~~ LEAN BREEK

Robert L. Cay Sr. Robert L. Corley Sr.

Skuri STUART RUDLOW

Alan Villa Alan Villa

Jack Ciucio Jr JACK Ciucio Jr

Vicki Pratt-Boone

~~Ryan W. Manasse~~ RYAN W. MANASSE

Wayne Morrison WAYNE MORRISON

~~Eduardo Prieto~~ EDUARDO PRIETO

~~Clayton~~

~~Lee Hartman~~

LEE HARTMAN

John Sahagian

Suzette Rodriguez Suzette Rodriguez

~~Ryan Shepherd~~ RYAN SHEPHERD

Linda Coomey Linda Coomey

Bruce E. Lucas Bruce E. Lucas

Billie J Slatton Billie J Slatton



14-312

Barbara Riley

John McNeil

David Dauron

Paul Hoff

Kristal Carraro

CHRIS FREEMAN

Suzanne Werrick

Randel Smith

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Stewart Rudion

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CODE ENFORCEMENT UPDATE

JERROD SIMPSON
ASSISTANT CITY ATTORNEY



HOUSEKEEPING

Chapter 162 Florida Statutes:

http://www.leg.state.fl.us/Statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0162/0162.html

City Code:

https://library.municode.com/fl/tampa/codes/code_of_ordinances

NOTICE ISSUES

- Notice is a basic requirement of due process.
- Due process can be defined as the fundamental, constitutional guarantee that all legal proceedings will be fair and that one will be given notice of the proceedings and a meaningful opportunity to be heard whenever government action affects life, liberty, or property.

STATUTORY NOTICE

- **Fla. Stat. 162.06(2)** "Except as provided in subsections (3) and (4), if a violation of the codes is found, the code inspector shall notify the violator ***and give him or her a reasonable time to correct the violation.***"
- No Notice of Violation required for:
- Subsection (3) – repeat violators
- Subsection (4) – serious threats to the public health, safety, and welfare
- City Code adds – “itinerant or transient in nature”

CITY CODE NOTICE

- Tampa City Code – Sec. 9-3. - Notice of violation.
- (a) Form of notice. Pursuant to this chapter, notice of a violation shall be provided to a violator whenever a code enforcement officer has reason to believe that a violation of one (1) or more provision(s) of the City Code or city ordinance exists.
- (b) The notice shall:
 - (1) Identify the name and address of the violator;
 - (2) If applicable, identify the name and address of the record owner of the property as shown in the records of the property appraiser;
 - (3) State the address or the legal description of the real property where the alleged violation(s) or condition(s) is located;
 - (4) Identify the violation(s) or unlawful condition(s);
 - (5) Direct the violator to correct the violation(s) or condition(s) within a time period of no more than twenty-one (21) calendar days; and
 - (6) Advise the violator that if the violation(s) is not corrected within the time allotted, then the violator is subject to enforcement for the violation(s) using any of the methods of this chapter.

NOTICE CONTINUED...

- (c) Notice not required. Whenever it is determined that a violation poses a serious threat to public health, safety, or welfare; is a repeat violation; is an irreparable or irreversible violation; or is an itinerant or transient in nature violation; then the code enforcement officer may immediately:
 - (1) Issue a notice of hearing pursuant to article II of this chapter,
 - (2) Issue a civil citation pursuant to Chapter 23.5 of the City Code, or
 - (3) Pursue a violation in accordance with section 1-6(a) of the City Code without first issuing a notice of violation and providing a time to correct the violation.
- (d) A notice of violation provided to a violator pursuant to any of the city's code enforcement methods will be considered as notice for any other code enforcement method, including the determination of a Repeat Violation.
- (e) Landlord courtesy notice. If a violation, other than a violation of section 19-231 of this Code, is observed on rental property and it is determined that the tenant is the violator, a courtesy notice will be provided to the landlord. This courtesy notice will not be considered in the determination of a chronic violator.
- (f) Hardship. If a violator has a hardship that prevents the correction of the violation(s) in the time period allotted, then the violator should notify the code enforcement officer of the hardship within the time period provided to correct the violation(s). If the city determines that the hardship is valid, then the code enforcement officer may extend the time period within which to correct the violation(s).

NOTICE CONCLUSION

- If the code section is not in the Notice of Violation, we cannot proceed to a hearing or seek fines until the notice is amended and the person is given another “reasonable opportunity to correct”.
- If you don't understand the nature of the violation, does the citizen?
- Goal = Compliance

CONVERSION THERAPY

What is "conversion therapy"?

See City Code Sec. 14-311. - Definitions.

"Conversion therapy or reparative therapy" means:

- Any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex.
- Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.

CONVERSION THERAPY

Background, These professional organizations have issued statements or research papers opposing the use of Conversion Therapy:

- American Academy of Pediatrics
- American Psychiatric Association
- American Psychological Association
- American Psychoanalytic Association
- American Academy of Child & Adolescent Psychiatry
- Pan American Health Organization, a regional office of the World Health Organization
- American School Counselor Association
- Substance Abuse and Mental Health Services Administration, a division of the U.S. Department of Health and Human Services
- American College of Physicians
- American Medical Association
- National Association of Social Workers
- Agency for Healthcare Research and Quality

CONVERSION THERAPY

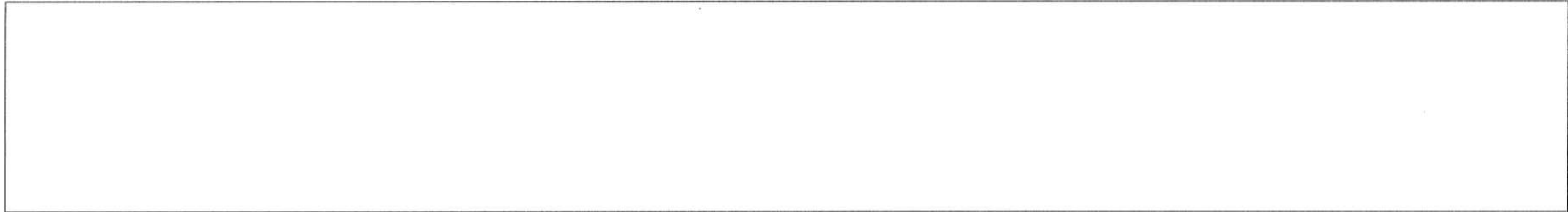
Why only licensed professionals?

- Under the First Amendment - Certain categories of speech receive lesser judicial protection.
- Conversion Therapy is a form of “professional speech”.
- “Thus, we hold that a prohibition of professional speech is permissible only if it directly advances the State's substantial interest in protecting clients from ineffective or harmful professional services, and is not more extensive than necessary to serve that interest.”

King v. Governor of the State of New Jersey, 767 F.3d 216 (3rd Cir. 2014).

CONVERSION THERAPY

- Important limitation:
- “WHEREAS, the City does not intend to prevent mental health providers from speaking to the public about SOCE; expressing their views to patients; recommending SOCE to patients; administering SOCE to any person who is 18 years of age or older; or referring minors to unlicensed counselors, such as religious leaders. This ordinance does not prevent unlicensed providers, such as religious leaders, from administering SOCE to children or adults; nor does it prevent minors from seeking SOCE from mental health providers in other political subdivisions or states outside of the City of Tampa, Florida”



- Sec. 14-310. – Intent.
- The intent of this ordinance is to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers...
- Sec. 14-311. – Definitions.
- Provider means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under F.S. chs. 456, 458, 459, 490 or 491, as such chapters may be amended, including but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors.
- A provider does not include members of the clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves out as operating pursuant to any of the aforementioned Florida Statutes licenses.

CONVERSION THERAPY

What is the violation?

- Sec. 14-312. - Conversion therapy prohibited.
- It shall be unlawful for any provider to practice conversion therapy efforts on any individual who is a minor regardless of whether the provider receives monetary compensation in exchange for such services.

CONVERSION THERAPY

How is it Enforced?

- Enforced through the Special Magistrate process;
- Deemed an irreparable or irreversible violation;
- Each separate incident is a separate violation for enforcement purposes;
- Specific fine amounts set: first violation is \$1,000.00. Second violation is \$5,000.00.

CONVERSION THERAPY

ALL possible Conversion Therapy cases must be referred to legal for review – PRIOR to the issuance of a Notice of Violation.

MOBILE HOME PARKS

- The Legislature recently amended Chapter 723, “The Mobile Home Act”
- Applicable only when “10 or more lots are offered for rent or lease.” § 723.002(1) Fla. Stat. (2016).
- Not applicable when the owner of the land also owns the mobile home.
- Intent: to direct city and county code enforcement toward the truly responsible party.

MOBILE HOME PARKS

- Why? --- Because a mobile home park owner's access to a mobile home that they don't own is restricted by law.
- Fla. Stat. 723.025 – “A mobile home park owner has no right of access to a mobile home unless the mobile home owner's prior written consent has been obtained or unless to prevent imminent danger to an occupant of the mobile home or to the mobile home. Such consent may be revoked in writing by the mobile home owner at any time. The park owner has, however, the right of entry onto the lot for purposes of repair and replacement of utilities and protection of the mobile home park at all reasonable times, but not in such manner or at such time as to interfere unreasonably with the mobile home owner's quiet enjoyment of the lot.”

MOBILE HOME PARKS

- **Mobile Home Park Owner responsibilities:** common areas, structures within common areas, and utility connections.
- **Mobile Home Owner's responsibilities:** the mobile home itself and maintenance of the lot. (i.e. work without permit on the mobile home, chapter 19 violations on the mobile home, and accumulations and overgrowth of the lot where the mobile home sits)
- Fla. Stat. 723.022 and 723.023

MOBILE HOME PARKS

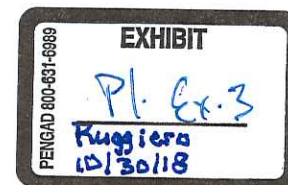
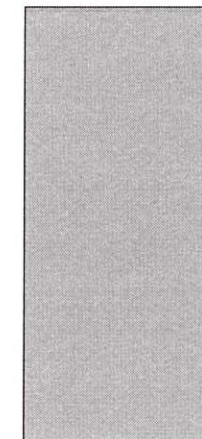
- Fla. Stat. 723.083 Governmental action affecting removal of mobile home owners.—
 - “No agency of municipal, local, county, or state government shall approve any application for rezoning, or take any other official action, which would result in the removal or relocation of mobile home owners residing in a mobile home park without first determining that adequate mobile home parks or other suitable facilities exist for the relocation of the mobile home owners.”
- **All Orders to Vacate or Demolish on a mobile home must be referred to legal for review- PRIOR to taking any action.**

SUMMARY

- Notice – make sure that the person understands the violation and how to fix it – and make sure the documents clearly state that.
- ONLY THE CODE – ONLY THE FACTS.
- Conversion Therapy – If you get a conversion therapy complaint, call legal.
- Mobile Home Park – Direct enforcement toward the responsible party. Call legal before condemning a mobile home.

CODE ENFORCEMENT CONVERSION THERAPY

JERROD SIMPSON
ASSISTANT CITY ATTORNEY



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- National Association of Social Workers
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CONVERSION THERAPY

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SUMMARY

- Conversion Therapy – If you get a conversion therapy complaint, call legal.
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Code
change

ORDINANCE NO. 2017- 47

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AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, RELATING TO CONVERSION THERAPY ON PATIENTS WHO ARE MINORS, MAKING REVISIONS TO CITY OF TAMPA CODE OF ORDINANCES, CHAPTER 14 (OFFENSES); CREATING ARTICLE X, SECTIONS 14-310 - 14-313; AMENDING CHAPTER 19 (PROPERTY MAINTENANCE AND STRUCTURAL STANDARDS); AMENDING SECTION 19-4(a)(2), DEPARTMENT OF CODE ENFORCEMENT; DUTIES AND SCOPE OF AUTHORITY OF THE DIRECTOR; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, as recognized by major professional associations of mental health practitioners and researchers in the United States and elsewhere for nearly 40 years, being lesbian, gay, bisexual, transgender or gender nonconforming, or questioning (LGBT or LGBTQ) is not a mental disease, disorder or illness, deficiency or shortcoming; and

WHEREAS, the American Academy of Pediatrics in 1993 published an article in its Journal, stating: "Therapy directed at specifically changing sexual orientation is contraindicated, since it can provoke guilt and anxiety while having little or no potential for achieving changes in orientation;"¹ and

WHEREAS, the American Psychiatric Association in December 1998 published its opposition to any psychiatric treatment, including reparative or conversion therapy, which therapy regime is based upon the assumption that homosexuality is a mental disorder *per se* or that a patient should change his or her homosexual orientation;² and

WHEREAS, the American Psychological Association's Task Force on Appropriate Therapeutic Responses to Sexual Orientation ("APA Task Force") conducted a systematic review of peer-reviewed journal literature on Sexual Orientation Change Efforts ("SOCE"), and issued its report in 2009, citing research that sexual orientation change efforts can pose critical health risks to lesbian, gay, and bisexual people, including confusion, depression, guilt, helplessness, hopelessness, shame, social withdrawal, suicidality, substance abuse, stress, disappointment, self-blame, decreased self-esteem and authenticity to others, increased self-hatred, hostility and blame toward parents, feelings of anger and betrayal, loss of friends and potential romantic partners, problems in sexual and emotional intimacy, sexual

¹ <http://pediatrics.aappublications.org/content/pediatrics/92/4/631.full.pdf>
² https://www.camfi.org/ias/images/PDFs/SOCE/APA_Position_Statement.pdf

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E2017-8CH19

1 dysfunction, high-risk sexual behaviors, a feeling of being dehumanized and untrue to
2 self, a loss of faith, and a sense of having wasted time and resources;³ and
3

4 WHEREAS, following the report issued by the APA Task Force, the
5 American Psychological Association in 2009 issued a resolution on Appropriate
6 Affirmative Responses to Sexual Orientation Distress and Change Efforts, advising
7 parents, guardians, young people, and their families to avoid sexual orientation
8 change efforts that portray homosexuality as a mental illness or developmental
9 disorder and to seek psychotherapy, social support, and educational services that
10 provide accurate information on sexual orientation and sexuality, increase family and
11 school support, and reduce rejection of sexual minority youth;⁴ and
12

13 WHEREAS, the American Psychoanalytic Association in June 2012 issued a
14 position statement on conversion therapy efforts, articulating that "As with any
15 societal prejudice, bias against individuals based on actual or perceived sexual
16 orientation, gender identity or gender expression negatively affects mental health,
17 contributing to an enduring sense of stigma and pervasive self-criticism through the
18 internalization of such prejudice" and that psychoanalytic technique "does not
19 encompass purposeful attempts to 'convert,' 'repair,' change or shift an individual's
20 sexual orientation, gender identity or gender expression," such efforts being
21 inapposite to "fundamental principles of psychoanalytic treatment and often result in
22 substantial psychological pain by reinforcing damaging internalized attitudes;⁵ and
23

24
25 WHEREAS, the American Academy of Child & Adolescent Psychiatry in
26 2012 published an article in its Journal stating that clinicians should be aware that
27 there is "no evidence that sexual orientation can be altered through therapy and that
28 attempts to do so may be harmful;" that there is "no medically valid basis for
29 attempting to prevent homosexuality, which is not an illness;" and that such efforts
30 may encourage family rejection and undermine self-esteem, connectedness and
31 caring, important protective factors against suicidal ideation and attempts; and that,
32 for similar reasons cumulatively stated above, carrying the risk of significant harm,
33 SOCE is contraindicated⁶; and
34

35 WHEREAS, the Pan American Health Organization, a regional office of the
36 World Health Organization, issued a statement in 2012 stating: "These supposed
37 conversion therapies constitute a violation of the ethical principles of health care and
38 violate human rights that are protected by international and regional agreements."
39 The organization also noted that conversion therapies "lack medical justification and
40 represent a serious threat to the health and well-being of affected people;"⁷ and
41
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45 ³ <https://www.apa.org/pi/lgbt/resources/therapeutic-response.pdf>

46 ⁴ <http://www.apa.org/about/policy/sexual-orientation.pdf>

47 ⁵ <http://www.apsa.org/content/2012-position-statement-attempts-change-sexual-orientation-gender-identity-or-gender>

48 ⁶ [http://www.jaacap.com/article/S0890-8567\(12\)00500-X/pdf](http://www.jaacap.com/article/S0890-8567(12)00500-X/pdf)

49 ⁷ http://www.paho.org/hq/index.php?option=com_content&view=article&id=6803%3A2012-therapies-change-sexual-orientation-lack-medical-justification-threaten-health&catid=740%3Apress-releases&Itemid=1926&lang=en
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1 WHEREAS, in 2014 the American School Counselor Association issued a
2 position statement that states: "It is not the role of the professional school counselor
3 to attempt to change a student's sexual orientation or gender identity. Professional
4 school counselors do not support efforts by licensed mental health professionals to
5 change a student's sexual orientation or gender as these practices have been proven
6 ineffective and harmful;"⁸ and
7

8 WHEREAS, a 2015 report of the Substance Abuse and Mental Health
9 Services Administration, a division of the U.S. Department of Health and Human
10 Services, "Ending Conversion Therapy: Supporting and Affirming LGBTQ Youth"
11 further reiterates based on scientific literature that conversion therapy efforts to
12 change an individual's sexual orientation, gender identity, or gender expression is a
13 practice not supported by credible evidence and has been disavowed by behavioral
14 health experts and associations, perpetuates outdated views of gender roles and
15 identities, negative stereotypes, stating, importantly, that such therapy may put young
16 people at risk of serious harm, and recognizing that, same-gender sexual orientation
17 (including identity, behavior, and attraction) is part of the normal spectrum of human
18 diversity and does not constitute a mental disorder;⁹ and
19

20 WHEREAS, the American College of Physicians wrote a position paper in
21 2015 opposing the use of "conversion," "reorientation," or "reparative" therapy for
22 the treatment of LGBT persons, stating that "[a]vailable research does not support the
23 use of reparative therapy as an effective method in the treatment of LGBT persons.
24 Evidence shows that the practice may actually cause emotional or physical harm to
25 LGBT individuals, particularly adolescents or young persons;"¹⁰ and
26

27 WHEREAS, In 2016, the American Medical Association issued policy
28 statement H-160.991, which expressly opposed the use of "reparative" or
29 "conversion" therapy for sexual orientation or gender identity;¹¹ and
30

31 WHEREAS, The World Psychiatric Association issued a policy statement in
32 March, 2016 on Gender Identity and Same-Sex Orientation, which stated, "There is
33 no sound scientific evidence that innate sexual orientation can be changed.
34 Furthermore, so-called treatments of homosexuality can create a setting in which
35 prejudice and discrimination flourish, and they can be potentially harmful. The
36 provision of any intervention purporting to 'treat' something that is not a disorder is
37 wholly unethical;"¹² and
38

39 WHEREAS, The National Association of Social Workers ("NASW") issued
40 a policy statement stating that "No data demonstrates that reparative or conversion
41 therapies are effective, and in fact they may be harmful." The NASW went further
42 and stated that "conversion and reparative therapies are an infringement to the
43 guiding principles inherent to social worker ethics and values;"¹³ and
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47 ⁸ https://www.schoolcounselor.org/asca/media/asca/PositionStatements/PS_LGBTQ.pdf

48 ⁹ <http://store.samhsa.gov/shin/content/SMA15-4928/SMA15-4928.pdf>

49 ¹⁰ <http://annals.org/article.aspx?articleid=2292051>

50 ¹¹ <https://www.ama-assn.org/delivering-care/policies-lesbian-gay-bisexual-transgender-queer-lgbtq-issues>

¹² http://www.wpanet.org/WPA_in_News.php

¹³ <http://www.naswdc.org/diversity/lgb/reparative.asp>

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WHEREAS, The Agency for Healthcare Research and Quality issued a clinician's guideline for practitioners who work with children and adolescents based on research provided by the American Academy of Child and Adolescent Psychiatry. It stated that "There is no empirical evidence that adult homosexuality can be prevented if gender nonconforming children are influenced to be more gender conforming. Indeed, there is no medically valid basis for attempting to prevent homosexuality, which is not an illness. On the contrary, such efforts may encourage family rejection and undermine self-esteem, connectedness, and caring, which are important protective factors against suicidal ideation and attempts;"¹⁴ and

WHEREAS, At least two federal circuit courts of appeal have upheld bans on conversion therapy.¹⁵ Both courts found that bans on conversion therapy did not violate free speech rights; nor did such bans run afoul of the Free Exercise Clause; nor were such bans vague or impermissibly overbroad. Further the courts found that counseling is professional speech, subject to a lower level of judicial scrutiny because the government has a substantial interest in protecting citizens from ineffective or harmful professional practices; and

WHEREAS, the City does not intend to prevent mental health providers from speaking to the public about SOCE; expressing their views to patients; recommending SOCE to patients; administering SOCE to any person who is 18 years of age or older; or referring minors to unlicensed counselors, such as religious leaders. This ordinance does not prevent unlicensed providers, such as religious leaders, from administering SOCE to children or adults; nor does it prevent minors from seeking SOCE from mental health providers in other political subdivisions or states outside of the City of Tampa, Florida; and

WHEREAS, City of Tampa has a compelling interest in protecting the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and questioning youth, and in protecting its minors against exposure to serious harms caused by sexual orientation and gender identity change efforts; and

WHEREAS, the City Council hereby finds the overwhelming research demonstrating that sexual orientation and gender identity change efforts can pose critical health risks to lesbian, gay, bisexual, transgender or questioning persons, and that being lesbian, gay, bisexual, transgender or questioning is not a mental disease, mental disorder, mental illness, deficiency, or shortcoming; and

WHEREAS, the City Council finds minors receiving treatment from licensed therapists in the City of Tampa, Florida who may be subject to conversion or reparative therapy are not effectively protected by other means, including, but not limited to, other state statutes, local ordinances, or federal legislation; and

¹⁴ <https://www.guideline.gov/summaries/summary/38417>

¹⁵ King v. Governor of the State of New Jersey, 767 F.3d 216 (3rd Cir. 2014) and Pickup v. Brown, 740 F.3d 1208 (9th Cir. 2013)

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WHEREAS, the City Council desires to prohibit, within the geographic boundaries of the City, the practice of sexual orientation or gender identity change efforts on minors by licensed therapists only, including reparative and/or conversion therapy, which have been demonstrated to be harmful to the physical and psychological well-being of lesbian, gay, bisexual, transgender and questioning persons.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF TAMPA, FLORIDA,

Section 1. That the Whereas Clauses are adopted as if set forth fully herein.

Section 2. That "Chapter 14, Article X" is created as follows:

"CHAPTER 14, ARTICLE X, CONVERSION THERAPY"

Section 3. That "Sec. 14.310. – Intent." is hereby created by adding the underlined language as follows:

"Sec. 14-310. – Intent.

The Intent of this Ordinance is to protect the physical and psychological well-being of minors, including but not limited to lesbian, gay, bisexual, transgender and/or questioning youth, from exposure to the serious harms and risks caused by conversion therapy or reparative therapy by licensed providers, including but not limited to licensed therapists. These provisions are exercises of police power of the City for the public safety, health, and welfare; and its provisions shall be liberally construed to accomplish that purpose."

Section 4. That "Sec. 14-311. – Definitions." is hereby created by adding the underlined language as follows:

"Sec. 14-311. – Definitions.

(a) Conversion therapy or reparative therapy means, interchangeably, any counseling, practice or treatment performed with the goal of changing an individual's sexual orientation or gender identity, including, but not limited to, efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings toward individuals of the same gender or sex. Conversion therapy does not include counseling that provides support and assistance to a person undergoing gender transition or counseling that provides acceptance, support, and understanding of a person or facilitates a person's coping, social support, and development, including sexual orientation-neutral interventions to prevent or address unlawful conduct or unsafe sexual practices, as long as such counseling does not seek to change sexual orientation or gender identity.

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- (b) Minor means any person less than 18 years of age.
- (c) Provider means any person who is licensed by the State of Florida to provide professional counseling, or who performs counseling as part of his or her professional training under chapters 456, 458, 459, 490 or 491 of the Florida Statutes, as such chapters may be amended, including but not limited to, medical practitioners, osteopathic practitioners, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors. A Provider does not include members of the clergy who are acting in their roles as clergy or pastoral counselors and providing religious counseling to congregants, as long as they do not hold themselves out as operating pursuant to any of the aforementioned Florida Statutes licenses.”

Section 5. That “Sec. 14-312. – Conversion Therapy Prohibited.” is hereby created by adding the underlined language as follows:

“Sec. 14-312. – Conversion Therapy Prohibited.

It shall be unlawful for any Provider to practice conversion therapy efforts on any individual who is a minor regardless of whether the Provider receives monetary compensation in exchange for such services.”

Section 6. That “Sec. 14-313. – Enforcement and Civil Penalties.” is hereby created by adding the underlined language as follows:

“Sec. 14-313. – Enforcement and Civil Penalties.

- (a) This article may be enforced pursuant to Chapter 9, Article II of this Code.
- (b) The violation of Sec. 14-312 of this Division is deemed an irreparable or irreversible violation.
- (c) Each separate incident of a violation of Sec. 14-312 shall constitute a separate violation for enforcement purposes.
- (d) The fine for a first violation of Sec. 14-312 is \$1000.00. The fine for a second and subsequent violation(s) of Sec. 14-312 is \$5000.00
- (e) These penalties shall not preclude any other remedies available at law or in equity, including, injunctive relief in the circuit court.”

Section 7. That “Sec. 19-4(a)(2). – Department of Code Enforcement; duties and scope of authority of the director” is hereby amended by adding the underline language as follows:

“Sec. 19-4(a)(2). – Department of Code Enforcement; duties and scope of authority of the director

(a)The director shall have all powers, duties and responsibilities to administer and enforce the following City Code chapters or sections: The director shall be deemed to be an officer for the purpose of enforcing the provisions of this chapter under authority provided in section 1-14 of this Code.

(1)Section 5-105;

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- (2)Chapter 14, articles III, IV, and X;
- (3)Chapter 19;
- (4)Chapter 21, articles I, II, III and V;
- (5)Chapter 22, articles I and III;
- (6)Chapter 25, article I;
- (7)Chapter 27."


Section 8. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 9. Should any section or provision of this Ordinance or any portion, paragraph, sentence, or word be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance.

Section 10. Authority is hereby granted to codify the text amendment set forth in Section 1 of this Ordinance.

Section 11. That this Ordinance shall take effect immediately upon its adoption.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA, ON APR 0 6 2017.


 CHAIRMAN/CHAIRMAN PRO-TEM,
 CITY COUNCIL

ATTEST: *


 SHIRLEY FOXX-KNOWLES, CITY CLERK

APPROVED BY ME ON APR 1 0 2017


 BOB BUCKHORN, MAYOR

Approved As to Legal Sufficiency:

E/S
 Ernest Mueller, Senior Assistant City Attorney

Certified as true
and correct copy

WITNESS	DATE, TIME	LOCATION
SAL RUGGIERO	October 31, 2018 9:00 A.M.	Burr & Forman LLP 201 N. Franklin Street, Ste. 3200 Tampa, Florida 33602

Each deposition will commence on the date and time specified and continue thereafter until the deposition has been completed.

DESCRIPTION OF MATTERS FOR EXAMINATION

Defendant CITY OF TAMPA, FLORIDA, pursuant to Rule 30(b)(6), Federal Rules of Civil Procedure, will designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on Defendant’s behalf, regarding the matters for examination set forth below, subject to the definitions also set forth below.

DEFINITIONS

The following definitions apply to the matters for examination below:

- A. “**Minor**” means an individual under eighteen (18) years of age.
- B. The “**Ordinance**” means Tampa City Ordinance 2017-47, “An Ordinance Of The City Of Tampa, Florida, Relating To Conversion Therapy On Patients Who Are Minors,” enacted by the Tampa City Council on April 6, 2017, and approved by Tampa Mayor Bob Buckhorn on April 10, 2017.
- C. “**SOCE**” means sexual orientation change efforts, including without limitation any counseling, practice, or treatment that assists an individual in changing his or her sexual orientation or gender identity, and further including without limitation any efforts to change behaviors, gender identity, or gender expression, or to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender or sex.

MATTERS FOR EXAMINATION

1. Defendant's purported interest in banning SOCE counseling for minors, including without limitation any complaint or other evidence of alleged harm Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

2. Any evidence that any minor within Defendant's jurisdiction was subjected to SOCE counseling against his or her will, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

3. Any evidence of alleged harm posed by voluntary SOCE counseling for minors who desire, request, or willingly consent to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

4. Any evidence of alleged harm caused by voluntary SOCE counseling for minors within Defendant's jurisdiction who desired, requested, or willingly consented to SOCE counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

5. Any evidence that minors lack the ability to consent to voluntary SOCE counseling, or have the ability to consent to other treatments or procedures such as abortions, gender transition/reassignment, or same-sex relationship-affirming counseling, which Defendant sought, obtained, received, or considered prior to enacting the Ordinance.

6. Defendant's efforts to narrowly tailor the Ordinance, including without limitation any alternative to the Ordinance which Defendant considered, and all reasons for rejecting any such alternative.

7. All communications and coordination, between Defendant and Equality Florida or any other advocacy group, regarding the Ordinance or any other effort to ban SOCE for minors.

8. Any study or research Defendants conducted, commissioned, reviewed or relied upon to enact the Ordinance.

9. Defendant's drafting, consideration, debate, enactment, interpretation, application, and enforcement of the Ordinance, including Defendant's internal and external communications regarding same.

10. The factual matters disclosed in any declaration, affidavit, or request to take judicial notice filed by Defendant in opposition to Plaintiffs' Motion for Preliminary Injunction (Doc. 3).

11. Defendant's document production efforts and sources, for any document production pursuant to Rule 26(a)(1) or any written discovery requests, including without limitation—

- a. the physical or digital/electronic locations of the documents produced;
- b. the time period(s) covered by the documents produced;
- c. the search terms used to locate potentially responsive, electronically stored documents; and
- d. the document custodian(s) consulted for responsive documents or from whom the documents were obtained for production.

12. The extent to which Defendant regulates: (a) any other clinical practice methods besides SOCE counseling; (b) any other types of clients or services that mental health

professionals are permitted to serve or offer, besides SOCE counseling or clients who seek SOCE counseling; (c) any other mental health professionals or professions, besides marriage and family therapy or marriage and family therapists; or (d) any other professions, professionals or professional conduct, besides mental health professions, mental health professionals or SOCE counseling. Without limitation, this topic includes any other ordinances or regulations that Defendant has considered, enacted or enforced as to sub-topics (a)–(d).

Respectfully submitted,

/s/ Horatio G. Mihet

Mathew D. Staver
Horatio G. Mihet
Roger K. Gannam
Daniel J. Schmid
LIBERTY COUNSEL
P.O. Box 540774
Orlando, FL 32854
Phone: (407) 875-1776
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E-mail: rgannam@LC.org
Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this September 18, 2018, I caused a true and correct copy of the foregoing to be served via electronic mail on counsel for each party of record, including: Robert V. Williams (rwilliams@burr.com; pturner@burr.com), Jerry M. Gewirtz (jerry.gewirtz@tampagov.net; Kimber.spitsberg@tampagov.net), and Robin Horton Silverman (robin.horton-silverman@tampagov.net; leticia.mckinney@tampagov.net).

/s/ Horatio G. Mihet

Horatio G. Mihet
Attorney for Plaintiffs



Tampa City Council discusses ban on conversion therapy for minors



Richard Danielson, Times Staff Writer

Thursday, January 26, 2017 1:45pm

TAMPA — Conversion therapy, a controversial practice used to try to change a person's sexual orientation or gender identity, would be banned for minors in Tampa under an ordinance proposed Thursday.

The City Council voted to schedule a Feb. 16 discussion of the idea at the request of council member Guido Maniscalco.

"To me, it's a form of torture," Maniscalco said. He wants to base a Tampa ban on one already approved in Miami Beach.

In June, Miami Beach commissioners established a fine of up to \$200 per day on state-licensed professionals who practice conversion therapy counseling on anyone younger than 18, according to the *Miami Herald*. That ban applies to medical doctors, osteopaths, psychologists, psychotherapists, social workers, marriage and family therapists, and licensed counselors.

Maniscalco said he didn't anticipate that a similar ordinance in Tampa would apply to churches or religious groups.

"I think it just expands on the domestic partnership registry (created by the city in 2012) and on marriage equality," he said. "It's the compassionate, right thing to do."

Mayor Bob Buckhorn said he is no supporter of the practice, which has been widely discredited, including by the American Psychiatric Association, and is illegal in some states. But he said he didn't know what legal authority the city has to regulate it.

"I think the whole theory has been pretty much debunked," Buckhorn said after the council's vote. "It certainly doesn't strike me as therapy or medicine."

Tourism initiative hits delay

The City Council delayed considering whether to raise more money for tourism marketing by creating a \$1.50-per-night surcharge on rooms at 14 downtown and Ybor City hotels.

When he pitched the idea to the council last month, Hillsborough County Hotel and Motel Association executive director Bob Morrison called the district "the next phase in Tampa's evolution as a tourism destination."

"The beauty about this district is that it's solely funded by self-assessment," he said. "Only the hotels who are members of this district would be the payers of the assessment."

But the proposal will take a few more weeks to prepare, chief assistant city attorney Salvatore Territo told the council.

<http://www.tampabay.com/news/localgovernment/tampa-city-council-to-discuss-creating-t...> 1/27/2017




Tampa City Council member Guido Maniscalco proposed a city ban on conversion therapy for minors. SKIP O'ROURKE | Times (2013)



Print Message : Dell Archive Manager

Page 1 of 1

 Email

From: Erica Dotson
To: TampaCityCouncil
Subject: Support for draft ordinance proposing a ban on conversion therapy for LGBT minors

Sent: 2/20/2017 7:37:02 PM



Good evening,

My name is Erica Dotson and I consider myself a part of the LGBT community. Although I do not know anyone who has been through conversion therapy, I believe that conversion therapy is something that minors should not be forced to go through. Regardless of people's beliefs, minors should not be forced into a type of therapy that is routinely criticized for inflicting long-term mental and emotional damage on its subjects.

I support the ban on conversion therapy for LGBT minors and hope that it will be able to be received well and eventually enacted.

Thank you for your time,

Erica Dotson
Economics and ISS
University of South Florida Provost Scholar and Honors College Student
emdotion@mail.usf.edu | 813-482-1539



<https://archive.tampagov.net/PrintMessage.aspx?CheckSums=d28e4461-94...> 1/30/2018

Cynthia Sarff

From: leslie.ninjaspark@gmail.com on behalf of Leslie Reed <lesliemichelereed@gmail.com>
Sent: Thursday, March 02, 2017 8:08 AM
To: TampaCityCouncil
Subject: Tampa City Council Vote to Ban Conversion Therapy in Minors

Hello,

I am writing to urge the council to strongly support the ban on conversion therapy for minors. It is a barbaric and damaging practice that often includes forced shock treatment. The suicide and homeless risk for LGBTQI youth is much higher than for the general population, and these practices only add to these problems by sending the message to these vulnerable young people that they are damaged. The fact that conversion therapy is legal legitimizes homophobia in Tampa. I have seen firsthand the damage these conversion tactics can do. Parents can talk to their children and express their moral and religious views, but should not be allowed to torture their children mentally and physically.

This issue is very close to my heart because I came out as a lesbian when I was 15, and received support from a community group in Clearwater and from my parents. This gave me the strength and confidence to succeed in life and help others to accept themselves. I now have my Master's degree, work full time, and am involved in my community through volunteer work. I have friends who have committed suicide because they did not receive the same support from their families and local communities. Please consider the young lives at stake and the positive message this ban will send about Tampa as an open and safe space for all LGBTQI citizens.

Thank you for your consideration,

Leslie Reed
405 E Jean St.
Tampa, FL 33604



Cynthia Sarff

From: Tea Sefer <tea.sefer@glsen.org>
Sent: Thursday, March 02, 2017 11:32 AM
To: TampaCityCouncil
Subject: GLSEN Support for Conversion Therapy Ban
Attachments: GLSEN Comment on Tampa Conversion Therapy Ban.docx



Tampa City Council
315 E Kennedy Blvd.
Tampa, FL 33602

March 2, 2017

Re: GLSEN Tampa Bay Support for Conversion Therapy Ban

In advance of the March 2, 2017 hearing for the Tampa Bay Conversion Therapy Ban, GLSEN Tampa Bay is submitting a letter of support for this initiative.

GLSEN Tampa Bay seeks to develop school climates where difference is valued for the positive contribution it makes in creating a more vibrant and diverse community. We envision a world in which every child learns to respect and accept all people, regardless of sexual orientation or gender identity/expression.

Conversion therapy, also known as "reparative therapy," is a set of discredited practices that use rejection, shame and psychological abuse aimed at changing one's sexual orientation or gender identity/expression. Organizations including the American Academy of Pediatrics, the American Counseling Association, the American Psychiatric Association, the American School Counselor Association and many others reject the use of conversion therapy.

In addition to being ineffective in changing an individual's sexual orientation and/or gender identity, there is evidence that shows that the practice causes significant harm to individuals who are subjected to it. The effects of these efforts can be dangerous and even life-threatening, including depression, decreased self-esteem, substance abuse, and suicidal behavior. As an organization that strives to ensure that students are safe and supported, GLSEN Tampa Bay urges you to soundly reject a practice that is known to cause such devastating harms.

Beyond the actual experience of conversion therapy, many youth experience these efforts in the form of family rejection, which only compounds the potential consequences. In Florida, the majority of LGBTQ students (over 7 in 10) hear anti-LGBTQ remarks at school. The reality of living as a LGBTQ young person can be extremely difficult and we need to foster supportive environments while rejecting such quack practices as conversion therapy in order for students to succeed in school and grow into adults that can contribute to our community.

This ordinance is important because it will send a clear message to providers in Tampa Bay that conversion therapy is harmful and unacceptable among licensed providers, thereby reducing the number of young people who are subjected to these harmful practices.

Thank you for your consideration.



Gregg Coldiron
Chair, GLSEN Tampa Bay
tampa@chapters.glsen.org

From: Carrie Henriquez <Carrie.Henriquez@tampagov.net>
Sent time: 02/16/2017 11:24:24 AM
To: nadine@eqfl.org
Cc: stratton@eqfl.org
Subject: Conversion Therapy for Minors Ban - Tampa City Council

Hi Nadine,

My name is Carrie Henriquez, I am the legislative aide to Tampa City Councilman Guido Maniscalco.

Councilman Maniscalco has proposed a conversion therapy for minors BAN in the City of Tampa. At our next regular meeting scheduled for Thursday, March 2nd our legal department will be bringing a DRAFT ordinance to the Council members. Members of the public will be speaking either in support of the ban or against the ban. Today FOUR Hillsborough County residents spoke AGAINST the ban. Two of the men who spoke claim that conversion therapy helped them transition from gay to straight.

We really need Equality Florida's support in passing this ban. Six other cities in Florida have passed similar ordinances. Would it be possible for either myself or Councilman Maniscalco to speak with you or Stratton in order to get folks organized to support this ban? I can be reached at 813-274-7071 (office) or 850-345-1109 (personal cell).

Thank you so much for your time!

Kindest Regards,

-Carrie Henriquez

Tampa City Council
Legislative Aide to Councilman Guido Maniscalco
District 6
Old City Hall
315 E. Kennedy Boulevard
Tampa, FL 33602
(813) 274-7071 (direct)
(813) 274-7591 (fax)
Carrie.Henriquez@tampagov.net

-Carrie

Carrie Henriquez
Tampa City Council
Legislative Aide to Councilman Guido Maniscalco
District 6
Old City Hall
315 E. Kennedy Boulevard
Tampa, FL 33602
(813) 274-7071 (direct)
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